

CAUSE NO. DC-25-07145

Polestar GA Waycross (Plant), LLC	§	IN THE DISTRICT COURT
and Polestar LA Alexandria (Jackson),	§	
LLC,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	192ND JUDICIAL DISTRICT
	§	
Benefit Street Partners Realty Operating	§	
Partnership, L.P.,	§	
	§	
<i>Defendant.</i>	§	DALLAS COUNTY, TEXAS

**DEFENDANT BENEFIT STREET PARTNERS REALTY OPERATING
PARTNERSHIP, L.P.'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES**

Defendant Benefit Street Partners Realty Operating Partnership, L.P. ("Defendant") files this Original Answer and Affirmative Defenses to the claims pleaded by Polestar GA Waycross (Plant), LLC and Polestar LA Alexandria (Jackson), LLC, ("Plaintiffs") in their Original Petition.

I. ANSWER

Pursuant to Texas Rule of Civil Procedure Rule 92, Defendant pleads a general denial of the matters pleaded by Plaintiffs.

II. AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred in whole or in part under the applicable statute of limitations.
2. Plaintiffs suffered no concrete harm or damage as a result of any conduct of Defendant such to confer standing to sue Defendant.
3. Plaintiffs' claims are barred in whole or in part because of Plaintiffs' failure to state a claim or cause of action upon which relief can be granted.

4. Plaintiffs' claims are barred in whole or in part because if Plaintiffs suffered or sustained any loss, injury, damage, or detriment, the same was directly and proximately caused or contributed to by the intervening acts of others, and not by Defendant.
5. Plaintiffs' claims are barred in whole or in part by the doctrine of waiver.
6. Plaintiffs' claims are barred in whole or in part by the doctrine of estoppel.
7. Plaintiffs' claims are barred in whole or in part by the doctrine of laches.
8. Plaintiffs' claims are barred by the doctrine of acquiescence.
9. Plaintiffs' claims are barred in whole or in part by the doctrine of unclean hands.
10. Plaintiffs' claims are barred in whole or in part because Plaintiffs failed and neglected to use reasonable care to protect themselves and to avoid, minimize, and/or mitigate their alleged injury and/or damages, if any exist and are proven.
11. Plaintiffs' claims are barred in whole or in part because allowing Plaintiffs to recover any part of the monetary relief demanded would result in unjust enrichment.

III. REQUEST FOR ATTORNEYS' FEES

Defendant requests that this Court award it all costs, including reasonable and necessary attorneys' fees, incurred in connection with this action and any applicable statute or rule, including but not limited to Texas Rule of Civil Procedure 13, Chapter 9 of the Civil Practice and Remedies Code, Chapter 10 of the Civil Practice and Remedies Code, and/or Section 21.001(b) of the Texas Government Code.

IV. PRAYER

Defendant respectfully requests that Plaintiffs take nothing by their suit and that the Court enter judgment in Defendant's favor. Defendant further prays for its reasonable and necessary

attorneys' fees and costs, and such other and further relief, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH,
LLP

/s/ Jacob Sparks

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*Attorneys for Benefit Street Partners Realty
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CERTIFICATE OF SERVICE

I certify that on June 6, 2025, a true and correct copy of the foregoing document was filed electronically and served on all counsel of record or parties in accordance with Rule 21a of the Texas Rules of Civil Procedure via the electronic filing service provider.

By: /s/ Jacob Sparks
JACOB SPARKS

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Docketing DFW on behalf of Jacob Sparks

Bar No. 24066126

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Envelope ID: 101718277

Filing Code Description: Original Answer - General Denial

Filing Description:

Status as of 6/6/2025 3:48 PM CST

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